



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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TO: Members, Public Disclosure Commission

FROM: Doug Ellis
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DATE: September 20, 2006

SUBJECT: Discussion on Using Brief Adjudicative Hearings for Reporting Modification Renewals with No Change

RCW 42.17.370 (10) allows the Commission to use the brief adjudicative hearing process to decide modification renewals with no change for the same office, for a 3-year period. The statute reads in part:

Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding and no request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted. The commission shall adopt administrative rules governing the proceedings.

Implementation of using the brief adjudicative hearing process for modification renewals will entail changes in a number of current rules which, if approved, would become effective in early 2007. Those rules are:

- **WAC 390-28-040 Hearing to modify reporting – Prehearing procedure and requirements.**
- **WAC 390-28-060 Hearing to modify reporting – Administrative law judge proceedings.**
- **WAC 390-28-070 Hearing to modify reporting – By affidavit or sworn statement.**
- **WAC 390-28-080 Hearing to modify reporting – Evidence, record, adverse decisions.**
- **WAC 390-28-090 Hearing to modify reporting – Required findings.**
- **WAC 390-37-140 Brief enforcement hearings (adjudicative proceedings) – Authority.**

Staff is currently seeking guidance from the Commission on whether to move ahead with the rulemaking process.